

## **2905.503**

such publication may be obtained from the HCA or designee.

### **2905.503 Procedures.**

(a) Prior to obtaining HCA approval, an agency should seek legal review to determine whether it has appropriate legal authority for advertising. The HCA exercising the authority delegated by 2905.502 must do so in accordance with the procedures set forth in FAR 5.503 and those in this section.

(b) Requests for procurement of advertising must be accompanied by written authority to advertise or publish which sets forth justification and includes the names of newspapers or journals concerned, frequency and dates of proposed advertisements, estimated cost, and other pertinent information.

## **PART 2906—COMPETITION REQUIREMENTS**

### **Subpart 2906.3—Other Than Full and Open Competition**

Sec.

2906.301 Policy.

2906.303 Justifications.

### **Subpart 2906.5—Competition Advocates**

2906.501 Requirement.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

### **Subpart 2906.3—Other Than Full and Open Competition**

#### **2906.301 Policy.**

(a) Department of Labor acquisitions must comply with the Department of Labor Manual Series (DLMS) 2, Chapter 830 (available by mail from the Director, Division of Acquisition Management Services, 200 Constitution Ave., NW., Washington, DC 20210-0001), or electronically from <http://www.dol.gov/oasam/programs/boc/prb.htm>. Any proposed noncompetitive acquisition in excess of the simplified acquisition threshold must be fully justified and, if required by the DLMS, submitted to the DOL Procurement Review Board and approved by the Assistant Secretary for Administration and Manage-

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ment and, in the case of research and development contracts, also by the Assistant Secretary for Policy.

(b) With the exception of contracts for advisory and assistance services or for research and development, the contracting officer has the authority below the simplified acquisition threshold to approve sole source contracts. The contracting officer is responsible for assuring that proposed acquisitions below the simplified acquisition threshold are in compliance with FAR and DOLAR requirements regarding competition.

### **2906.303 Justifications.**

The authority of the agency head to determine that only specified make and models of technical equipment will satisfy the agency's need under FAR 6.302-1 is delegated to the HCA.

### **Subpart 2906.5—Competition Advocate**

#### **2906.501 Requirement.**

The Assistant Secretary for Administration and Management must appoint a Competition Advocate for the Department of Labor. The appointment will be predicated on an understanding of the competition requirements in the FAR, and particularly small business programs.

## **PART 2907—ACQUISITION PLANNING**

### **Subpart 2907.1—Acquisition Plans**

Sec.

2907.105 Contents of written acquisition plans.

2907.107 Additional requirements for acquisitions involving bundling.

### **Subpart 2907.3—Contractor Versus Government Performance**

02907.300 Availability of inventory.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

## Department of Labor

2909.105

### Subpart 2907.1—Acquisition Plans

#### 2907.105 Contents of written acquisition plans.

The Department of Labor has implemented its acquisition planning system in compliance with FAR 7.1 and internal procedures provided in DLMS 2 section 834. The annual forecast is available for review from: [http://www.appps.dol.gov/contract\\_grant/index.htm](http://www.appps.dol.gov/contract_grant/index.htm).

#### 2907.107 Additional requirements for acquisitions involving bundling.

The FAR requirements for justification, review, and approval of bundling of contract requirements also apply to an order from a Federal Supply Schedule contract, Governmentwide acquisition contracts, or other indefinite-delivery contracts if the requirements consolidated under the order meet the definition of “bundling” at FAR 2.101.

### Subpart 2907.3—Contractor Versus Government Performance

#### 2907.300 Availability of inventory.

The Department of Labor's FAIR Act inventory of commercial activities performed by federal employees and inherently governmental functions may be accessed on the Internet at: [www.dol.gov](http://www.dol.gov) under “Doing Business with DOL”.

## PART 2908—REQUIRED SOURCES OF SUPPLIES AND SERVICES

### Subpart 2908.4—Federal Supply Schedules

Sec.

2908.404 Using schedules.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

### Subpart 2908.4—Federal Supply Schedules

#### 2908.404 Using schedules.

Small business considerations, procedures regarding both prime and subcontracting, and clearances specified in DOLAR 2919 apply to GSA Federal Supply Schedule Orders above the simplified acquisition threshold. Procedures to be followed may be modified by the Office of Small Business Pro-

gram as appropriate in order to comply with GSA Federal Supply Schedule procedures (e.g., first tier contracts may be required to report their commercial subcontracting goals to the DOL Office of Small Business Programs).

[69 FR 22991, Apr. 27, 2004]

## PART 2909—CONTRACTOR QUALIFICATIONS

### Subpart 2909.1—Responsible Prospective Contractors

Sec.

2909.105 Procedures.

### Subpart 2909.4—Debarment, Suspension, And Ineligibility

2909.402 Policy.

2909.405 Effect of listing.

2909.405-1 Continuation of current contracts.

2909.406 Debarment.

2909.406-1 General.

2909.406-3 Procedures.

2906.407 Suspension.

2909.407-1 General.

### Subpart 2909.5—Organizational and Consultant Conflicts of Interest

2909.503 Waiver.

2909.506 Procedures.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

### Subpart 2909.1—Responsible Prospective Contractors

#### 2909.105 Procedures.

Before awarding a contract, the contracting officer must make a written determination of the otherwise successful bidder's/offeror's responsibility in accordance with FAR 9.105. In addition to past performance information, the contracting officer must insure that the proposed contractor, and any subcontractor representing more than \$25,000 in goods or services, does not appear in the “List of Parties Excluded from Federal Procurement” (available on the Internet at [www.epls.gov](http://www.epls.gov)). In addition, contracting officers should base